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OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

June 30, 2004

Ms. Linda Holst  
Water Division, Water Quality Branch Chief  
United States Environmental Protection Agency  
Region 5  
77 West Jackson Boulevard (WQ-16J)  
Chicago, Illinois 60604-3590

**Re: In the Matter of: Site Specific Rule for City of Effingham Treatment Plant  
Fluoride Discharge, 35 Ill. Adm. Code 303.326. Illinois Pollution Control Board  
docket number R03-11.**

Dear Ms. Holst:

The Illinois Attorney General's Office has reviewed Illinois Pollution Control Board ("Board") docket R03-11 for compliance with Illinois law.

The City of Effingham ("City"), Blue Beacon International, Inc. ("BBI"), and Truckomat Corporation ("Truckomat") (collectively, "petitioners") submitted a proposal to the Board asking for relief from regulations pertaining to fluoride levels in the effluent from the City's publicly owned treatment works ("POTW"). BBI and Truckomat operate truck washers. The wash contains brighteners with fluoride. The fluoride from the wash is discharged to the City's POTW, and the effluent is in turn discharged to waters of the State. The current fluoride effluent applicable to the City's POTW limit is 1.4 mg/L, but the City sought an effluent limit of 4.5 mg/L.

Illinois EPA substantially agreed with petitioners that their proposal was necessary and protective of the environment. However, Illinois EPA said that in order to be consistent with federal law, the Board should grant petitioners' requested relief from the applicable water quality standard as opposed to the effluent standard. Illinois EPA submitted proposed language to change the water quality standard in a portion of the receiving waters and suggested that the Board limit the relief to the petitioners' discharges. The Board chose to adopt a site-specific water quality standard and limit the relief to the petitioners rather than adopt a new effluent limit.

All regulatory deadlines for docket R03-11 were met. Petitioners submitted their proposal to the Board on October 22, 2002. The Board issued its first notice opinion and order for docket R03-11 on July 24, 2003. The Board issued its second notice opinion and order on

Letter to L. Holst  
June 30, 2004  
Page 2

October 2, 2003. The Illinois General Assembly's Joint Committee on Administrative Rules voted a certificate of "No Objection" for docket R03-11 on December 1, 2003. The Board adopted its final opinion and order on docket R03-11 on December 18, 2003. The Illinois Secretary of State published the regulatory changes from docket R03-11 in the Illinois Register on February 20, 2004 and set the effective date of those regulatory changes as February 4, 2004.

On March 3, 2003, the Board hearing officer issued an order setting a public hearing for April 11, 2003 in Effingham. Petitioners' representatives and Illinois EPA staff presented testimony at the April 11, 2003 hearing.

Pursuant to Section 27(b) of the Illinois Environmental Protection Act (415 ILCS 5/27(b) (2004)), the Board requested that the Illinois Department of Commerce and Economic Opportunity (DCEO) conduct an Economic Impact Study of the proposed regulations. However, DCEO had previously submitted a letter to the Board indicating that it would not conduct such studies due to a lack of resources. Also pursuant to Section 27(b), on June 11, 2003 the Board hearing officer issued another order setting a public hearing on July 18, 2003. That hearing, where the Board allowed the public the opportunity to comment on the economic impact of the rule, was held in Springfield.

Pursuant to 40 CFR 131.6, the Illinois Attorney General's Office certifies that the amendments and new regulations within Board docket R03-11 were duly adopted in accordance with Illinois law.

Please contact me if you have any questions or concerns.

Sincerely,



**Rose Marie Cazeau**  
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cc: Joe Svoboda, Chief Legal Counsel, Illinois EPA Division of Legal Counsel, Springfield  
Deborah L. Williams, Assistant Legal Counsel, Illinois EPA Division of Legal Counsel, Springfield